

TDH EXECUTIVE ORDER

Order Number:	XO-1706
Subject:	Contract Award Protest

INTRODUCTION

A bidder, offeror, or applicant who has an allegation that the Texas Department of Health (TDH) has failed to follow applicable statutes and rules in the procurement process, may file a protest.

PURPOSE

This policy provides an internal protest process to be used by any bidder, offeror, or applicant who is aggrieved in connection with the award of a TDH grant or contract.

FILING OF PROTEST

Protests must be submitted in writing, within ten (10) working days after the aggrieved person receives written notification of a denial of a bid or application or, if no written notification is sent, within ten (10) working days of posting of the award on the Texas Electronic Marketplace. If based on written notification, receipt must be documented by a date received stamp. If the protest is not timely, it will not be considered and the protesting party will be notified in writing.

Formal protests must conform to the requirements set out herein. The protest must be mailed to the TDH Purchasing and Contracting Services Division to be forwarded to the Protest Resolution Committee (Committee). The members of the Committee are the Deputy Commissioner for Programs, if the contract is for a program within the deputy's area, the Deputy Commissioner for Administration, the Chief Operating Officer, and the Chief Financial Officer, or their designees.

PROTEST REQUIREMENTS

A formal protest must contain:

- a specific identification of the statutory or regulatory provision that the protested action is alleged to have violated;
- a specific description of each act alleged to have violated the statutory or regulatory provision(s) identified above;
- a precise statement of the relevant facts;
- an identification of the issues to be resolved; and
- the aggrieved party's arguments and supporting documentation.

PROTEST RESOLUTION

The Committee shall have the authority to settle and resolve the dispute. The Committee may solicit written responses, schedule a meeting, or arrange to obtain additional information. All information received by the Committee will be copied to the protester, the purchaser, and the program staff. If the protest is not resolved by mutual agreement between the protesting party

and TDH, the Committee will issue a written determination within thirty (30) days of receiving all requested information.

APPEAL

The Committee's determination may be appealed to the Commissioner of Health or his designee. A written notice of appeal of the Committee's determination, including the reasons for disagreement with the determination, must be mailed or delivered to the Commissioner's office at the address below, no later than ten (10) working days after the Committee's decision.

Commissioner of Health
Texas Department of Health
1100 West 49th Street, Room M-751
Austin, Texas 78756-3199

The appeal shall be limited to review of the Committee's determination. A written decision shall be issued within twenty (20) working days from receipt of the appeal, which decision is final.

ISSUED BY:	Machelle Pharr Chief Financial Officer
DATE:	March 3, 2003

DATE	REVIEW/REVISION
3/3/2003	New policy.